

1 AN ACT concerning criminal law, which may be referred to as  
2 the Child Protection Act of 2008.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 1. Short title. This Act may be cited as the  
6 Illinois Child Online Exploitation Reporting Act.

7 Section 5. Definitions. As used in this Act unless the  
8 context otherwise requires:

9 "Electronic communications service" means any service  
10 which provides to users thereof the ability to send or receive  
11 wire or electronic communications.

12 "Remote computing service" means the provision to the  
13 public of computer storage or processing services by means of  
14 an electronic communications system.

15 Section 10. Registration. Any entity, subject to the  
16 reporting requirements of 42 U.S.C. 13032, while engaged in  
17 providing an electronic communications service or a remote  
18 computing service to the public, must provide the following  
19 information to the Cyber Tipline at the National Center for  
20 Missing and Exploited Children in order to facilitate the  
21 required reporting of child pornography crimes, pursuant to 42  
22 U.S.C. 13032:

- 1 (a) the agent's name, phone number, and email address; and  
2 (b) the name of the agent's employer.

3 Section 15. Scope. This Act is applicable to electronic  
4 communications services and remote computing services  
5 incorporated or organized under the laws of this State or  
6 maintaining property or assets in this State.

7 Section 20. Penalties. A provider of electronic  
8 communications services or remote computing services who  
9 violates this Act by failing to register under Section 10 is  
10 subject to a civil penalty in an amount not to exceed \$500 for  
11 each day that the violation continues. The Attorney General may  
12 bring an action in the name of the People of the State of  
13 Illinois to enforce the provisions of this Act.

14 Section 105. The Criminal Code of 1961 is amended by  
15 changing Sections 11-9.4, 11-20.2, 11-21, 11-23, and 11-24 and  
16 by adding Sections 10-8.1 and 11-6.6 as follows:

17 (720 ILCS 5/10-8.1 new)

18 Sec. 10-8.1. Unlawful sending of a public conveyance travel  
19 ticket to a minor.

20 (a) In this Section, "public conveyance" has the meaning  
21 ascribed to it in Section 10-8 of this Code.

22 (b) A person commits the offense of unlawful sending of a

1 public conveyance travel ticket to a minor when the person  
2 without the consent of the minor's parent or guardian:

3 (1) knowingly sends, causes to be sent, or purchases a  
4 public conveyance travel ticket to any location for a  
5 person known by the offender to be an unemancipated minor  
6 under 17 years of age or a person he or she believes to be a  
7 minor under 17 years of age, other than for a lawful  
8 purpose under Illinois law; or

9 (2) knowingly arranges for travel to any location on  
10 any public conveyance for a person known by the offender to  
11 be an unemancipated minor under 17 years of age or a person  
12 he or she believes to be a minor under 17 years of age,  
13 other than for a lawful purpose under Illinois law.

14 (b-5) Telecommunications carriers, commercial mobile  
15 service providers, and providers of information services,  
16 including, but not limited to, Internet service providers and  
17 hosting service providers, are not liable under this Section,  
18 except for willful and wanton misconduct, by virtue of the  
19 transmission, storage, or caching of electronic communications  
20 or messages of others or by virtue of the provision of other  
21 related telecommunications, commercial mobile services, or  
22 information services used by others in violation of this  
23 Section.

24 (c) Sentence. Unlawful sending of a public conveyance  
25 travel ticket to a minor is a Class A misdemeanor. A person who  
26 commits unlawful sending of a public conveyance travel ticket

1 to a minor who believes that he or she is at least 5 years older  
2 than the minor is guilty of a Class 4 felony.

3 (720 ILCS 5/11-6.6 new)

4 Sec. 11-6.6. Solicitation to meet a child.

5 (a) A person of the age of 18 or more years commits the  
6 offense of solicitation to meet a child if the person while  
7 using a computer, cellular telephone, or any other device, with  
8 the intent to meet a child or one whom he or she believes to be  
9 a child, solicits, entices, induces, or arranges with the child  
10 to meet at a location without the knowledge of the child's  
11 parent or guardian and the meeting with the child is arranged  
12 for a purpose other than a lawful purpose under Illinois law.

13 (b) Sentence. Solicitation to meet a child is a Class A  
14 misdemeanor. Solicitation to meet a child is a Class 4 felony  
15 when the solicitor believes he or she is 5 or more years older  
16 than the child.

17 (c) For purposes of this Section, "child" means any person  
18 under 17 years of age; and "computer" has the meaning ascribed  
19 to it in Section 16D-2 of this Code.

20 (720 ILCS 5/11-9.4)

21 (Text of Section after amendment by P.A. 95-640)

22 Sec. 11-9.4. Approaching, contacting, residing, or  
23 communicating with a child within certain places by child sex  
24 offenders prohibited.

1           (a) It is unlawful for a child sex offender to knowingly be  
2 present in any public park building or on real property  
3 comprising any public park when persons under the age of 18 are  
4 present in the building or on the grounds and to approach,  
5 contact, or communicate with a child under 18 years of age,  
6 unless the offender is a parent or guardian of a person under  
7 18 years of age present in the building or on the grounds.

8           (b) It is unlawful for a child sex offender to knowingly  
9 loiter on a public way within 500 feet of a public park  
10 building or real property comprising any public park while  
11 persons under the age of 18 are present in the building or on  
12 the grounds and to approach, contact, or communicate with a  
13 child under 18 years of age, unless the offender is a parent or  
14 guardian of a person under 18 years of age present in the  
15 building or on the grounds.

16           (b-5) It is unlawful for a child sex offender to knowingly  
17 reside within 500 feet of a playground, child care institution,  
18 day care center, part day child care facility, or a facility  
19 providing programs or services exclusively directed toward  
20 persons under 18 years of age. Nothing in this subsection (b-5)  
21 prohibits a child sex offender from residing within 500 feet of  
22 a playground or a facility providing programs or services  
23 exclusively directed toward persons under 18 years of age if  
24 the property is owned by the child sex offender and was  
25 purchased before the effective date of this amendatory Act of  
26 the 91st General Assembly. Nothing in this subsection (b-5)

1 prohibits a child sex offender from residing within 500 feet of  
2 a child care institution, day care center, or part day child  
3 care facility if the property is owned by the child sex  
4 offender and was purchased before the effective date of this  
5 amendatory Act of the 94th General Assembly.

6 (b-6) It is unlawful for a child sex offender to knowingly  
7 reside within 500 feet of the victim of the sex offense.  
8 Nothing in this subsection (b-6) prohibits a child sex offender  
9 from residing within 500 feet of the victim if the property in  
10 which the child sex offender resides is owned by the child sex  
11 offender and was purchased before the effective date of this  
12 amendatory Act of the 92nd General Assembly.

13 This subsection (b-6) does not apply if the victim of the  
14 sex offense is 21 years of age or older.

15 (b-7) It is unlawful for a child sex offender to knowingly  
16 communicate, other than for a lawful purpose under Illinois  
17 law, using the Internet or any other digital media, with a  
18 person under 18 years of age or with a person whom he or she  
19 believes to be a person under 18 years of age, unless the  
20 offender is a parent or guardian of the person under 18 years  
21 of age.

22 (c) It is unlawful for a child sex offender to knowingly  
23 operate, manage, be employed by, volunteer at, be associated  
24 with, or knowingly be present at any: (i) facility providing  
25 programs or services exclusively directed towards persons  
26 under the age of 18; (ii) day care center; (iii) part day child

1 care facility; (iv) child care institution, or (v) school  
2 providing before and after school programs for children under  
3 18 years of age. This does not prohibit a child sex offender  
4 from owning the real property upon which the programs or  
5 services are offered or upon which the day care center, part  
6 day child care facility, child care institution, or school  
7 providing before and after school programs for children under  
8 18 years of age is located, provided the child sex offender  
9 refrains from being present on the premises for the hours  
10 during which: (1) the programs or services are being offered or  
11 (2) the day care center, part day child care facility, child  
12 care institution, or school providing before and after school  
13 programs for children under 18 years of age is operated.

14 (c-5) It is unlawful for a child sex offender to knowingly  
15 operate, manage, be employed by, or be associated with any  
16 county fair when persons under the age of 18 are present.

17 (d) Definitions. In this Section:

18 (1) "Child sex offender" means any person who:

19 (i) has been charged under Illinois law, or any  
20 substantially similar federal law or law of another  
21 state, with a sex offense set forth in paragraph (2) of  
22 this subsection (d) or the attempt to commit an  
23 included sex offense, and:

24 (A) is convicted of such offense or an attempt  
25 to commit such offense; or

26 (B) is found not guilty by reason of insanity

1 of such offense or an attempt to commit such  
2 offense; or

3 (C) is found not guilty by reason of insanity  
4 pursuant to subsection (c) of Section 104-25 of the  
5 Code of Criminal Procedure of 1963 of such offense  
6 or an attempt to commit such offense; or

7 (D) is the subject of a finding not resulting  
8 in an acquittal at a hearing conducted pursuant to  
9 subsection (a) of Section 104-25 of the Code of  
10 Criminal Procedure of 1963 for the alleged  
11 commission or attempted commission of such  
12 offense; or

13 (E) is found not guilty by reason of insanity  
14 following a hearing conducted pursuant to a  
15 federal law or the law of another state  
16 substantially similar to subsection (c) of Section  
17 104-25 of the Code of Criminal Procedure of 1963 of  
18 such offense or of the attempted commission of such  
19 offense; or

20 (F) is the subject of a finding not resulting  
21 in an acquittal at a hearing conducted pursuant to  
22 a federal law or the law of another state  
23 substantially similar to subsection (a) of Section  
24 104-25 of the Code of Criminal Procedure of 1963  
25 for the alleged violation or attempted commission  
26 of such offense; or

1           (ii) is certified as a sexually dangerous person  
2           pursuant to the Illinois Sexually Dangerous Persons  
3           Act, or any substantially similar federal law or the  
4           law of another state, when any conduct giving rise to  
5           such certification is committed or attempted against a  
6           person less than 18 years of age; or

7           (iii) is subject to the provisions of Section 2 of  
8           the Interstate Agreements on Sexually Dangerous  
9           Persons Act.

10           Convictions that result from or are connected with the  
11           same act, or result from offenses committed at the same  
12           time, shall be counted for the purpose of this Section as  
13           one conviction. Any conviction set aside pursuant to law is  
14           not a conviction for purposes of this Section.

15           (2) Except as otherwise provided in paragraph (2.5),  
16           "sex offense" means:

17           (i) A violation of any of the following Sections of  
18           the Criminal Code of 1961: 10-7 (aiding and abetting  
19           child abduction under Section 10-5(b)(10)),  
20           10-5(b)(10) (child luring), 11-6 (indecent  
21           solicitation of a child), 11-6.5 (indecent  
22           solicitation of an adult), 11-9 (public indecency when  
23           committed in a school, on the real property comprising  
24           a school, on a conveyance owned, leased, or contracted  
25           by a school to transport students to or from school or  
26           a school related activity, or in a public park), 11-9.1

1 (sexual exploitation of a child), 11-15.1 (soliciting  
2 for a juvenile prostitute), 11-17.1 (keeping a place of  
3 juvenile prostitution), 11-18.1 (patronizing a  
4 juvenile prostitute), 11-19.1 (juvenile pimping),  
5 11-19.2 (exploitation of a child), 11-20.1 (child  
6 pornography), 11-20.3 (aggravated child pornography),  
7 11-21 (harmful material), 12-14.1 (predatory criminal  
8 sexual assault of a child), 12-33 (ritualized abuse of  
9 a child), 11-20 (obscenity) (when that offense was  
10 committed in any school, on real property comprising  
11 any school, on any conveyance owned, leased, or  
12 contracted by a school to transport students to or from  
13 school or a school related activity, or in a public  
14 park). An attempt to commit any of these offenses.

15 (ii) A violation of any of the following Sections  
16 of the Criminal Code of 1961, when the victim is a  
17 person under 18 years of age: 12-13 (criminal sexual  
18 assault), 12-14 (aggravated criminal sexual assault),  
19 12-15 (criminal sexual abuse), 12-16 (aggravated  
20 criminal sexual abuse). An attempt to commit any of  
21 these offenses.

22 (iii) A violation of any of the following Sections  
23 of the Criminal Code of 1961, when the victim is a  
24 person under 18 years of age and the defendant is not a  
25 parent of the victim:

26 10-1 (kidnapping),

1           10-2 (aggravated kidnapping),  
2           10-3 (unlawful restraint),  
3           10-3.1 (aggravated unlawful restraint).

4           An attempt to commit any of these offenses.

5           (iv) A violation of any former law of this State  
6           substantially equivalent to any offense listed in  
7           clause (2)(i) of this subsection (d).

8           (2.5) For the purposes of subsection (b-5) only, a sex  
9           offense means:

10           (i) A violation of any of the following Sections of  
11           the Criminal Code of 1961:

12           10-5(b)(10) (child luring), 10-7 (aiding and  
13           abetting child abduction under Section  
14           10-5(b)(10)), 11-6 (indecent solicitation of a  
15           child), 11-6.5 (indecent solicitation of an  
16           adult), 11-15.1 (soliciting for a juvenile  
17           prostitute), 11-17.1 (keeping a place of juvenile  
18           prostitution), 11-18.1 (patronizing a juvenile  
19           prostitute), 11-19.1 (juvenile pimping), 11-19.2  
20           (exploitation of a child), 11-20.1 (child  
21           pornography), 11-20.3 (aggravated child  
22           pornography), 12-14.1 (predatory criminal sexual  
23           assault of a child), or 12-33 (ritualized abuse of  
24           a child). An attempt to commit any of these  
25           offenses.

26           (ii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a  
2 person under 18 years of age: 12-13 (criminal sexual  
3 assault), 12-14 (aggravated criminal sexual assault),  
4 12-16 (aggravated criminal sexual abuse), and  
5 subsection (a) of Section 12-15 (criminal sexual  
6 abuse). An attempt to commit any of these offenses.

7 (iii) A violation of any of the following Sections  
8 of the Criminal Code of 1961, when the victim is a  
9 person under 18 years of age and the defendant is not a  
10 parent of the victim:

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint).

15 An attempt to commit any of these offenses.

16 (iv) A violation of any former law of this State  
17 substantially equivalent to any offense listed in this  
18 paragraph (2.5) of this subsection.

19 (3) A conviction for an offense of federal law or the  
20 law of another state that is substantially equivalent to  
21 any offense listed in paragraph (2) of this subsection (d)  
22 shall constitute a conviction for the purpose of this  
23 Section. A finding or adjudication as a sexually dangerous  
24 person under any federal law or law of another state that  
25 is substantially equivalent to the Sexually Dangerous  
26 Persons Act shall constitute an adjudication for the

1 purposes of this Section.

2 (4) "Public park" includes a park, forest preserve, or  
3 conservation area under the jurisdiction of the State or a  
4 unit of local government.

5 (5) "Facility providing programs or services directed  
6 towards persons under the age of 18" means any facility  
7 providing programs or services exclusively directed  
8 towards persons under the age of 18.

9 (6) "Loiter" means:

10 (i) Standing, sitting idly, whether or not the  
11 person is in a vehicle or remaining in or around public  
12 park property.

13 (ii) Standing, sitting idly, whether or not the  
14 person is in a vehicle or remaining in or around public  
15 park property, for the purpose of committing or  
16 attempting to commit a sex offense.

17 (7) "Playground" means a piece of land owned or  
18 controlled by a unit of local government that is designated  
19 by the unit of local government for use solely or primarily  
20 for children's recreation.

21 (8) "Child care institution" has the meaning ascribed  
22 to it in Section 2.06 of the Child Care Act of 1969.

23 (9) "Day care center" has the meaning ascribed to it in  
24 Section 2.09 of the Child Care Act of 1969.

25 (10) "Part day child care facility" has the meaning  
26 ascribed to it in Section 2.10 of the Child Care Act of

1 1969.

2 (11) "Internet" means an interactive computer service  
3 or system or an information service, system, or access  
4 software provider that provides or enables computer access  
5 by multiple users to a computer server, and includes, but  
6 is not limited to, an information service, system, or  
7 access software provider that provides access to a network  
8 system commonly known as the Internet, or any comparable  
9 system or service and also includes, but is not limited to,  
10 a World Wide Web page, newsgroup, message board, mailing  
11 list, or chat area on any interactive computer service or  
12 system or other online service.

13 (e) Sentence. A person who violates this Section is guilty  
14 of a Class 4 felony.

15 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,  
16 eff. 6-1-08; revised 10-30-07.)

17 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

18 Sec. 11-20.2. Duty to report child pornography.

19 (a) Any commercial film and photographic print processor or  
20 computer technician who has knowledge of or observes, within  
21 the scope of his professional capacity or employment, any film,  
22 photograph, videotape, negative, ~~or~~ slide, computer hard drive  
23 or any other magnetic or optical media which depicts a child  
24 whom the processor or computer technician knows or reasonably  
25 should know to be under the age of 18 where such child is:

1 (i) actually or by simulation engaged in any act of sexual  
2 penetration or sexual conduct ~~intercourse~~ with any person or  
3 animal; or

4 (ii) actually or by simulation engaged in any act of sexual  
5 penetration or sexual conduct ~~contact~~ involving the sex organs  
6 of the child and the mouth, anus, or sex organs of another  
7 person or animal; or which involves the mouth, anus or sex  
8 organs of the child and the sex organs of another person or  
9 animal; or

10 (iii) actually or by simulation engaged in any act of  
11 masturbation; or

12 (iv) actually or by simulation portrayed as being the  
13 object of, or otherwise engaged in, any act of lewd fondling,  
14 touching, or caressing involving another person or animal; or

15 (v) actually or by simulation engaged in any act of  
16 excretion or urination within a sexual context; or

17 (vi) actually or by simulation portrayed or depicted as  
18 bound, fettered, or subject to sadistic, masochistic, or  
19 sadomasochistic abuse in any sexual context; or

20 (vii) depicted or portrayed in any pose, posture or setting  
21 involving a lewd exhibition of the unclothed or transparently  
22 clothed genitals, pubic area, buttocks, or, if such person is  
23 female, a fully or partially developed breast of the child or  
24 other person;

25 shall report or cause a report to be made pursuant to  
26 subsections (b) and (c) ~~such instance to a peace officer~~

1 ~~immediately or~~ as soon as reasonably possible. Failure to make  
2 such report shall be a business offense with a fine of \$1,000.

3 (b) Commercial film and photographic film processors shall  
4 report or cause a report to be made to the local law  
5 enforcement agency of the jurisdiction in which the image or  
6 images described in subsection (a) are discovered.

7 (c) Computer technicians shall report or cause the report  
8 to be made to the local law enforcement agency of the  
9 jurisdiction in which the image or images described in  
10 subsection (a) are discovered or to the Illinois Child  
11 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

12 (d) Reports required by this Act shall include the  
13 following information: (i) name, address, and telephone number  
14 of the person filing the report; (ii) the employer of the  
15 person filing the report, if any; (iii) the name, address and  
16 telephone number of the person whose property is the subject of  
17 the report, if known; (iv) the circumstances which led to the  
18 filing of the report, including a description of the reported  
19 content.

20 (e) If a report is filed with the Cyber Tipline at the  
21 National Center for Missing and Exploited Children or in  
22 accordance with the requirements of 42 U.S.C. 13032, the  
23 requirements of this Act will be deemed to have been met.

24 (f) A computer technician or an employer caused to report  
25 child pornography under this Section is immune from any  
26 criminal, civil, or administrative liability in connection

1 with making the report, except for willful or wanton  
2 misconduct.

3 (g) For the purposes of this Section, a "computer  
4 technician" is a person who installs, maintains,  
5 troubleshoots, repairs or upgrades computer hardware,  
6 software, computer networks, peripheral equipment, electronic  
7 mail systems, or provides user assistance for any of the  
8 aforementioned tasks.

9 (Source: P.A. 84-1280.)

10 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

11 Sec. 11-21. Harmful material.

12 (a) As used in this Section:

13 "Distribute" means transfer possession of, whether  
14 with or without consideration.

15 "Harmful to minors" means that quality of any  
16 description or representation, in whatever form, of  
17 nudity, sexual conduct, sexual excitement, or  
18 sado-masochistic abuse, when, taken as a whole, it (i)  
19 predominately appeals to the prurient interest in sex of  
20 minors, (ii) is patently offensive to prevailing standards  
21 in the adult community in the State as a whole with respect  
22 to what is suitable material for minors, and (iii) lacks  
23 serious literary, artistic, political, or scientific value  
24 for minors.

25 "Knowingly" means having knowledge of the contents of

1 the subject matter, or recklessly failing to exercise  
2 reasonable inspection which would have disclosed the  
3 contents.

4 "Material" means (i) any picture, photograph, drawing,  
5 sculpture, film, video game, computer game, video or  
6 similar visual depiction, including any such  
7 representation or image which is stored electronically, or  
8 (ii) any book, magazine, printed matter however  
9 reproduced, or recorded audio of any sort.

10 "Minor" means any person under the age of 18.

11 "Nudity" means the showing of the human male or female  
12 genitals, pubic area or buttocks with less than a full  
13 opaque covering, or the showing of the female breast with  
14 less than a fully opaque covering of any portion below the  
15 top of the nipple, or the depiction of covered male  
16 genitals in a discernably turgid state.

17 "Sado-masochistic abuse" means flagellation or torture  
18 by or upon a person clad in undergarments, a mask or  
19 bizarre costume, or the condition of being fettered, bound  
20 or otherwise physically restrained on the part of one  
21 clothed for sexual gratification or stimulation.

22 "Sexual conduct" means acts of masturbation, sexual  
23 intercourse, or physical contact with a person's clothed or  
24 unclothed genitals, pubic area, buttocks or, if such person  
25 be a female, breast.

26 "Sexual excitement" means the condition of human male

1 or female genitals when in a state of sexual stimulation or  
2 arousal.

3 (b) A person is guilty of distributing harmful material to  
4 a minor when he or she:

5 (1) knowingly sells, lends, distributes, or gives away  
6 to a minor, knowing that the minor is under the age of 18  
7 or failing to exercise reasonable care in ascertaining the  
8 person's true age:

9 (A) any material which depicts nudity, sexual  
10 conduct or sado-masochistic abuse, or which contains  
11 explicit and detailed verbal descriptions or narrative  
12 accounts of sexual excitement, sexual conduct or  
13 sado-masochistic abuse, and which taken as a whole is  
14 harmful to minors;

15 (B) a motion picture, show, or other presentation  
16 which depicts nudity, sexual conduct or  
17 sado-masochistic abuse and is harmful to minors; or

18 (C) an admission ticket or pass to premises where  
19 there is exhibited or to be exhibited such a motion  
20 picture, show, or other presentation; or

21 (2) admits a minor to premises where there is exhibited  
22 or to be exhibited such a motion picture, show, or other  
23 presentation, knowing that the minor is a person under the  
24 age of 18 or failing to exercise reasonable care in  
25 ascertaining the person's true age.

26 (c) In any prosecution arising under this Section, it is an

1 affirmative defense:

2 (1) that the minor as to whom the offense is alleged to  
3 have been committed exhibited to the accused a draft card,  
4 driver's license, birth certificate or other official or  
5 apparently official document purporting to establish that  
6 the minor was 18 years of age or older, which was relied  
7 upon by the accused;

8 (2) that the defendant was in a parental or  
9 guardianship relationship with the minor or that the minor  
10 was accompanied by a parent or legal guardian;

11 (3) that the defendant was a bona fide school, museum,  
12 or public library, or was a person acting in the course of  
13 his or her employment as an employee or official of such  
14 organization or retail outlet affiliated with and serving  
15 the educational purpose of such organization;

16 (4) that the act charged was committed in aid of  
17 legitimate scientific or educational purposes; or

18 (5) that an advertisement of harmful material as  
19 defined in this Section culminated in the sale or  
20 distribution of such harmful material to a child under  
21 circumstances where there was no personal confrontation of  
22 the child by the defendant, his employees, or agents, as  
23 where the order or request for such harmful material was  
24 transmitted by mail, telephone, Internet or similar means  
25 of communication, and delivery of such harmful material to  
26 the child was by mail, freight, Internet or similar means

1 of transport, which advertisement contained the following  
2 statement, or a substantially similar statement, and that  
3 the defendant required the purchaser to certify that he or  
4 she was not under the age of 18 and that the purchaser  
5 falsely stated that he or she was not under the age of 18:  
6 "NOTICE: It is unlawful for any person under the age of 18  
7 to purchase the matter advertised. Any person under the age  
8 of 18 that falsely states that he or she is not under the  
9 age of 18 for the purpose of obtaining the material  
10 advertised is guilty of a Class B misdemeanor under the  
11 laws of the State."

12 (d) The predominant appeal to prurient interest of the  
13 material shall be judged with reference to average children of  
14 the same general age of the child to whom such material was  
15 sold, lent, distributed or given, unless it appears from the  
16 nature of the matter or the circumstances of its dissemination  
17 or distribution that it is designed for specially susceptible  
18 groups, in which case the predominant appeal of the material  
19 shall be judged with reference to its intended or probable  
20 recipient group.

21 (e) Distribution of harmful material in violation of this  
22 Section is a Class A misdemeanor. A second or subsequent  
23 offense is a Class 4 felony.

24 (f) Any person under the age of 18 that falsely states,  
25 either orally or in writing, that he or she is not under the  
26 age of 18, or that presents or offers to any person any

1 evidence of age and identity that is false or not actually his  
2 or her own for the purpose of ordering, obtaining, viewing, or  
3 otherwise procuring or attempting to procure or view any  
4 harmful material is guilty of a Class B misdemeanor.

5 (g) A person over the age of 18 who fails to exercise  
6 reasonable care in ascertaining the true age of a minor,  
7 knowingly distributes to, or sends, or causes to be sent, or  
8 exhibits to, or offers to distribute, or exhibits any harmful  
9 material to a person that he or she believes is a minor is  
10 guilty of a Class A misdemeanor. If that person utilized a  
11 computer web camera, cellular telephone, or any other type of  
12 device to manufacture the harmful material, then each offense  
13 is a Class 4 felony.

14 (h) Telecommunications carriers, commercial mobile service  
15 providers, and providers of information services, including,  
16 but not limited to, Internet service providers and hosting  
17 service providers, are not liable under this Section, except  
18 for willful and wanton misconduct, by virtue of the  
19 transmission, storage, or caching of electronic communications  
20 or messages of others or by virtue of the provision of other  
21 related telecommunications, commercial mobile services, or  
22 information services used by others in violation of this  
23 Section.

24 (Source: P.A. 94-315, eff. 1-1-06.)

1           Sec. 11-23. Posting of identifying or graphic information  
2 on a pornographic Internet site or possessing graphic  
3 information with pornographic material.

4           (a) A person at least 17 years of age who discloses on an  
5 adult obscenity or child pornography Internet site the name,  
6 address, telephone number, or e-mail address of a person under  
7 17 years of age at the time of the commission of the offense or  
8 of a person at least 17 years of age without the consent of the  
9 person at least 17 years of age is guilty of the offense of  
10 posting of identifying information on a pornographic Internet  
11 site.

12           (a-5) Any person who places, posts, reproduces, or  
13 maintains on an adult obscenity or child pornography Internet  
14 site a photograph, video, or digital image of a person under 18  
15 years of age that is not child pornography under Section  
16 11-20.1, without the knowledge and consent of the person under  
17 18 years of age, is guilty of the offense of posting of graphic  
18 information on a pornographic Internet site. This provision  
19 applies even if the person under 18 years of age is fully or  
20 properly clothed in the photograph, video, or digital image.

21           (a-10) Any person who places, posts, reproduces, or  
22 maintains on an adult obscenity or child pornography Internet  
23 site, or possesses with obscene or child pornographic material  
24 a photograph, video, or digital image of a person under 18  
25 years of age in which the child is posed in a suggestive manner  
26 with the focus or concentration of the image on the child's

1 clothed genitals, clothed pubic area, clothed buttocks area, or  
2 if the child is female, the breast exposed through transparent  
3 clothing, and the photograph, video, or digital image is not  
4 child pornography under Section 11-20.1, is guilty of posting  
5 of graphic information on a pornographic Internet site or  
6 possessing graphic information with pornographic material.

7 (b) Sentence. A person who violates subsection (a) of this  
8 Section is guilty of a Class 4 felony if the victim is at least  
9 17 years of age at the time of the offense and a Class 3 felony  
10 if the victim is under 17 years of age at the time of the  
11 offense. A person who violates subsection (a-5) of this Section  
12 is guilty of a Class 4 felony. A person who violates subsection  
13 (a-10) of this Section is guilty of a Class 3 felony.

14 (c) Definitions. For purposes of this Section:

15 (1) "Adult obscenity or child pornography Internet  
16 site" means a site on the Internet that contains material  
17 that is obscene as defined in Section 11-20 of this Code or  
18 that is child pornography as defined in Section 11-20.1 of  
19 this Code.

20 (2) "Internet" includes the World Wide Web, electronic  
21 mail, a news group posting, or Internet file transfer.

22 (Source: P.A. 91-222, eff. 7-22-99.)

23 (720 ILCS 5/11-24)

24 Sec. 11-24. Child photography by sex offender.

25 (a) In this Section:

1 "Child" means a person under 18 years of age.

2 "Child sex offender" has the meaning ascribed to it in  
3 Section 11-9.3 of this Code.

4 (b) It is unlawful for a child sex offender to knowingly:

5 (1) conduct or operate any type of business in which he  
6 or she photographs, videotapes, or takes a digital image of  
7 a child; or

8 (2) conduct or operate any type of business in which he  
9 or she instructs or directs another person to photograph,  
10 videotape, or take a digital image of a child; or-

11 (3) photograph, videotape, or take a digital image of a  
12 child, or instruct or direct another person to photograph,  
13 videotape, or take a digital image of a child without the  
14 consent of the parent or guardian.

15 (c) Sentence. A violation of this Section is a Class 2  
16 felony. A person who violates this Section at a playground,  
17 park facility, school, forest preserve, day care facility, or  
18 at a facility providing programs or services directed to  
19 persons under 17 years of age is guilty of a Class 1 felony.

20 (Source: P.A. 93-905, eff. 1-1-05.)

21 Section 110. The Unified Code of Corrections is amended by  
22 changing Sections 3-3-7, 5-6-3, 5-6-3.1, and 5-8-1 as follows:

23 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

24 (Text of Section after amendment by P.A. 95-464, 95-579,

1 and 95-640)

2 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
3 Release.

4 (a) The conditions of parole or mandatory supervised  
5 release shall be such as the Prisoner Review Board deems  
6 necessary to assist the subject in leading a law-abiding life.  
7 The conditions of every parole and mandatory supervised release  
8 are that the subject:

9 (1) not violate any criminal statute of any  
10 jurisdiction during the parole or release term;

11 (2) refrain from possessing a firearm or other  
12 dangerous weapon;

13 (3) report to an agent of the Department of  
14 Corrections;

15 (4) permit the agent to visit him or her at his or her  
16 home, employment, or elsewhere to the extent necessary for  
17 the agent to discharge his or her duties;

18 (5) attend or reside in a facility established for the  
19 instruction or residence of persons on parole or mandatory  
20 supervised release;

21 (6) secure permission before visiting or writing a  
22 committed person in an Illinois Department of Corrections  
23 facility;

24 (7) report all arrests to an agent of the Department of  
25 Corrections as soon as permitted by the arresting authority  
26 but in no event later than 24 hours after release from

1 custody;

2 (7.5) if convicted of a sex offense as defined in the  
3 Sex Offender Management Board Act, the individual shall  
4 undergo and successfully complete sex offender treatment  
5 conducted in conformance with the standards developed by  
6 the Sex Offender Management Board Act by a treatment  
7 provider approved by the Board;

8 (7.6) if convicted of a sex offense as defined in the  
9 Sex Offender Management Board Act, refrain from residing at  
10 the same address or in the same condominium unit or  
11 apartment unit or in the same condominium complex or  
12 apartment complex with another person he or she knows or  
13 reasonably should know is a convicted sex offender or has  
14 been placed on supervision for a sex offense; the  
15 provisions of this paragraph do not apply to a person  
16 convicted of a sex offense who is placed in a Department of  
17 Corrections licensed transitional housing facility for sex  
18 offenders, or is in any facility operated or licensed by  
19 the Department of Children and Family Services or by the  
20 Department of Human Services, or is in any licensed medical  
21 facility;

22 (7.7) if convicted for an offense that would qualify  
23 the accused as a sexual predator under the Sex Offender  
24 Registration Act on or after the effective date of this  
25 amendatory Act of the 94th General Assembly, wear an  
26 approved electronic monitoring device as defined in

1 Section 5-8A-2 for the duration of the person's parole,  
2 mandatory supervised release term, or extended mandatory  
3 supervised release term;

4 (7.8) if convicted for an offense committed on or after  
5 the effective date of this amendatory Act of the 95th  
6 General Assembly that would qualify the accused as a child  
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961, refrain from communicating with or  
9 contacting, by means of the Internet, a person who is not  
10 related to the accused and whom the accused reasonably  
11 believes to be under 18 years of age; for purposes of this  
12 paragraph (7.8), "Internet" has the meaning ascribed to it  
13 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
14 ~~Public Act 94-179~~; and a person is not related to the  
15 accused if the person is not: (i) the spouse, brother, or  
16 sister of the accused; (ii) a descendant of the accused;  
17 (iii) a first or second cousin of the accused; or (iv) a  
18 step-child or adopted child of the accused;

19 (7.9) ~~(7.8)~~ if convicted under Section 11-6, 11-20.1,  
20 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
21 search of computers, PDAs, cellular phones, and other  
22 devices under his or her control that are capable of  
23 accessing the Internet or storing electronic files, in  
24 order to confirm Internet protocol addresses reported in  
25 accordance with the Sex Offender Registration Act and  
26 compliance with conditions in this Act;

1           (7.10) ~~(7.8)~~ if convicted for an offense that would  
2           qualify the accused as a sex offender or sexual predator  
3           under the Sex Offender Registration Act on or after the  
4           effective date of this amendatory Act of the 95th General  
5           Assembly, not possess prescription drugs for erectile  
6           dysfunction;

7           (7.11) if convicted for an offense under Section 11-6,  
8           11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
9           Code of 1961, or any attempt to commit any of these  
10           offenses, committed on or after the effective date of this  
11           amendatory Act of the 95th General Assembly:

12           (i) not access or use a computer or any other  
13           device with Internet capability without the prior  
14           written approval of the Department;

15           (ii) submit to periodic unannounced examinations  
16           of the offender's computer or any other device with  
17           Internet capability by the offender's supervising  
18           agent, a law enforcement officer, or assigned computer  
19           or information technology specialist, including the  
20           retrieval and copying of all data from the computer or  
21           device and any internal or external peripherals and  
22           removal of such information, equipment, or device to  
23           conduct a more thorough inspection;

24           (iii) submit to the installation on the offender's  
25           computer or device with Internet capability, at the  
26           offender's expense, of one or more hardware or software

1           systems to monitor the Internet use; and

2           (iv) submit to any other appropriate restrictions  
3           concerning the offender's use of or access to a  
4           computer or any other device with Internet capability  
5           imposed by the Board, the Department or the offender's  
6           supervising agent;

7           (8) obtain permission of an agent of the Department of  
8           Corrections before leaving the State of Illinois;

9           (9) obtain permission of an agent of the Department of  
10           Corrections before changing his or her residence or  
11           employment;

12           (10) consent to a search of his or her person,  
13           property, or residence under his or her control;

14           (11) refrain from the use or possession of narcotics or  
15           other controlled substances in any form, or both, or any  
16           paraphernalia related to those substances and submit to a  
17           urinalysis test as instructed by a parole agent of the  
18           Department of Corrections;

19           (12) not frequent places where controlled substances  
20           are illegally sold, used, distributed, or administered;

21           (13) not knowingly associate with other persons on  
22           parole or mandatory supervised release without prior  
23           written permission of his or her parole agent and not  
24           associate with persons who are members of an organized gang  
25           as that term is defined in the Illinois Streetgang  
26           Terrorism Omnibus Prevention Act;

1           (14) provide true and accurate information, as it  
2 relates to his or her adjustment in the community while on  
3 parole or mandatory supervised release or to his or her  
4 conduct while incarcerated, in response to inquiries by his  
5 or her parole agent or of the Department of Corrections;

6           (15) follow any specific instructions provided by the  
7 parole agent that are consistent with furthering  
8 conditions set and approved by the Prisoner Review Board or  
9 by law, exclusive of placement on electronic detention, to  
10 achieve the goals and objectives of his or her parole or  
11 mandatory supervised release or to protect the public.  
12 These instructions by the parole agent may be modified at  
13 any time, as the agent deems appropriate; and

14           (16) if convicted of a sex offense as defined in  
15 subsection (a-5) of Section 3-1-2 of this Code, unless the  
16 offender is a parent or guardian of the person under 18  
17 years of age present in the home and no non-familial minors  
18 are present, not participate in a holiday event involving  
19 children under 18 years of age, such as distributing candy  
20 or other items to children on Halloween, wearing a Santa  
21 Claus costume on or preceding Christmas, being employed as  
22 a department store Santa Claus, or wearing an Easter Bunny  
23 costume on or preceding Easter.

24           (b) The Board may in addition to other conditions require  
25 that the subject:

26           (1) work or pursue a course of study or vocational

1 training;

2 (2) undergo medical or psychiatric treatment, or  
3 treatment for drug addiction or alcoholism;

4 (3) attend or reside in a facility established for the  
5 instruction or residence of persons on probation or parole;

6 (4) support his dependents;

7 (5) (blank);

8 (6) (blank);

9 (7) comply with the terms and conditions of an order of  
10 protection issued pursuant to the Illinois Domestic  
11 Violence Act of 1986, enacted by the 84th General Assembly,  
12 or an order of protection issued by the court of another  
13 state, tribe, or United States territory;

14 (7.5) if convicted for an offense committed on or after  
15 the effective date of this amendatory Act of the 95th  
16 General Assembly that would qualify the accused as a child  
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
18 Criminal Code of 1961, refrain from communicating with or  
19 contacting, by means of the Internet, a person who is  
20 related to the accused and whom the accused reasonably  
21 believes to be under 18 years of age; for purposes of this  
22 paragraph (7.5), "Internet" has the meaning ascribed to it  
23 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
24 ~~Public Act 94-179~~; and a person is related to the accused  
25 if the person is: (i) the spouse, brother, or sister of the  
26 accused; (ii) a descendant of the accused; (iii) a first or

1 second cousin of the accused; or (iv) a step-child or  
2 adopted child of the accused;

3 (7.6) if convicted for an offense committed on or after  
4 the effective date of this amendatory Act of the 95th  
5 General Assembly that would qualify as a sex offense as  
6 defined in the Sex Offender Registration Act:

7 (i) not access or use a computer or any other  
8 device with Internet capability without the prior  
9 written approval of the Department;

10 (ii) submit to periodic unannounced examinations  
11 of the offender's computer or any other device with  
12 Internet capability by the offender's supervising  
13 agent, a law enforcement officer, or assigned computer  
14 or information technology specialist, including the  
15 retrieval and copying of all data from the computer or  
16 device and any internal or external peripherals and  
17 removal of such information, equipment, or device to  
18 conduct a more thorough inspection;

19 (iii) submit to the installation on the offender's  
20 computer or device with Internet capability, at the  
21 offender's expense, of one or more hardware or software  
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions  
24 concerning the offender's use of or access to a  
25 computer or any other device with Internet capability  
26 imposed by the Board, the Department or the offender's

1           supervising agent; and  
2           (8) in addition, if a minor:  
3                 (i) reside with his parents or in a foster home;  
4                 (ii) attend school;  
5                 (iii) attend a non-residential program for youth;  
6           or  
7                 (iv) contribute to his own support at home or in a  
8           foster home.

9           (b-1) In addition to the conditions set forth in  
10          subsections (a) and (b), persons required to register as sex  
11          offenders pursuant to the Sex Offender Registration Act, upon  
12          release from the custody of the Illinois Department of  
13          Corrections, may be required by the Board to comply with the  
14          following specific conditions of release:

15                 (1) reside only at a Department approved location;  
16                 (2) comply with all requirements of the Sex Offender  
17          Registration Act;  
18                 (3) notify third parties of the risks that may be  
19          occasioned by his or her criminal record;  
20                 (4) obtain the approval of an agent of the Department  
21          of Corrections prior to accepting employment or pursuing a  
22          course of study or vocational training and notify the  
23          Department prior to any change in employment, study, or  
24          training;  
25                 (5) not be employed or participate in any volunteer  
26          activity that involves contact with children, except under

1           circumstances approved in advance and in writing by an  
2           agent of the Department of Corrections;

3           (6) be electronically monitored for a minimum of 12  
4           months from the date of release as determined by the Board;

5           (7) refrain from entering into a designated geographic  
6           area except upon terms approved in advance by an agent of  
7           the Department of Corrections. The terms may include  
8           consideration of the purpose of the entry, the time of day,  
9           and others accompanying the person;

10          (8) refrain from having any contact, including written  
11          or oral communications, directly or indirectly, personally  
12          or by telephone, letter, or through a third party with  
13          certain specified persons including, but not limited to,  
14          the victim or the victim's family without the prior written  
15          approval of an agent of the Department of Corrections;

16          (9) refrain from all contact, directly or indirectly,  
17          personally, by telephone, letter, or through a third party,  
18          with minor children without prior identification and  
19          approval of an agent of the Department of Corrections;

20          (10) neither possess or have under his or her control  
21          any material that is sexually oriented, sexually  
22          stimulating, or that shows male or female sex organs or any  
23          pictures depicting children under 18 years of age nude or  
24          any written or audio material describing sexual  
25          intercourse or that depicts or alludes to sexual activity,  
26          including but not limited to visual, auditory, telephonic,

1 or electronic media, or any matter obtained through access  
2 to any computer or material linked to computer access use;

3 (11) not patronize any business providing sexually  
4 stimulating or sexually oriented entertainment nor utilize  
5 "900" or adult telephone numbers;

6 (12) not reside near, visit, or be in or about parks,  
7 schools, day care centers, swimming pools, beaches,  
8 theaters, or any other places where minor children  
9 congregate without advance approval of an agent of the  
10 Department of Corrections and immediately report any  
11 incidental contact with minor children to the Department;

12 (13) not possess or have under his or her control  
13 certain specified items of contraband related to the  
14 incidence of sexually offending as determined by an agent  
15 of the Department of Corrections;

16 (14) may be required to provide a written daily log of  
17 activities if directed by an agent of the Department of  
18 Corrections;

19 (15) comply with all other special conditions that the  
20 Department may impose that restrict the person from  
21 high-risk situations and limit access to potential  
22 victims;

23 (16) take an annual polygraph exam;

24 (17) maintain a log of his or her travel; or

25 (18) obtain prior approval of his or her parole officer  
26 before driving alone in a motor vehicle.

1           (c) The conditions under which the parole or mandatory  
2 supervised release is to be served shall be communicated to the  
3 person in writing prior to his release, and he shall sign the  
4 same before release. A signed copy of these conditions,  
5 including a copy of an order of protection where one had been  
6 issued by the criminal court, shall be retained by the person  
7 and another copy forwarded to the officer in charge of his  
8 supervision.

9           (d) After a hearing under Section 3-3-9, the Prisoner  
10 Review Board may modify or enlarge the conditions of parole or  
11 mandatory supervised release.

12           (e) The Department shall inform all offenders committed to  
13 the Department of the optional services available to them upon  
14 release and shall assist inmates in availing themselves of such  
15 optional services upon their release on a voluntary basis.

16           (f) When the subject is in compliance with all conditions  
17 of his or her parole or mandatory supervised release, the  
18 subject shall receive a reduction of the period of his or her  
19 parole or mandatory supervised release of 90 days upon passage  
20 of the high school level Test of General Educational  
21 Development during the period of his or her parole or mandatory  
22 supervised release. This reduction in the period of a subject's  
23 term of parole or mandatory supervised release shall be  
24 available only to subjects who have not previously earned a  
25 high school diploma or who have not previously passed the high  
26 school level Test of General Educational Development.

1 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
2 94-988, eff. 1-1-07; 95-464, eff. 6-1-08; 95-539, eff. 1-1-08;  
3 95-579, eff. 6-1-08; 95-640, eff. 6-1-08; revised 12-26-07.)

4 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

5 (Text of Section after amendment by P.A. 95-464, 95-578,  
6 and 95-696)

7 Sec. 5-6-3. Conditions of Probation and of Conditional  
8 Discharge.

9 (a) The conditions of probation and of conditional  
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any  
12 jurisdiction;

13 (2) report to or appear in person before such person or  
14 agency as directed by the court;

15 (3) refrain from possessing a firearm or other  
16 dangerous weapon;

17 (4) not leave the State without the consent of the  
18 court or, in circumstances in which the reason for the  
19 absence is of such an emergency nature that prior consent  
20 by the court is not possible, without the prior  
21 notification and approval of the person's probation  
22 officer. Transfer of a person's probation or conditional  
23 discharge supervision to another state is subject to  
24 acceptance by the other state pursuant to the Interstate  
25 Compact for Adult Offender Supervision;

1           (5) permit the probation officer to visit him at his  
2 home or elsewhere to the extent necessary to discharge his  
3 duties;

4           (6) perform no less than 30 hours of community service  
5 and not more than 120 hours of community service, if  
6 community service is available in the jurisdiction and is  
7 funded and approved by the county board where the offense  
8 was committed, where the offense was related to or in  
9 furtherance of the criminal activities of an organized gang  
10 and was motivated by the offender's membership in or  
11 allegiance to an organized gang. The community service  
12 shall include, but not be limited to, the cleanup and  
13 repair of any damage caused by a violation of Section  
14 21-1.3 of the Criminal Code of 1961 and similar damage to  
15 property located within the municipality or county in which  
16 the violation occurred. When possible and reasonable, the  
17 community service should be performed in the offender's  
18 neighborhood. For purposes of this Section, "organized  
19 gang" has the meaning ascribed to it in Section 10 of the  
20 Illinois Streetgang Terrorism Omnibus Prevention Act;

21           (7) if he or she is at least 17 years of age and has  
22 been sentenced to probation or conditional discharge for a  
23 misdemeanor or felony in a county of 3,000,000 or more  
24 inhabitants and has not been previously convicted of a  
25 misdemeanor or felony, may be required by the sentencing  
26 court to attend educational courses designed to prepare the

1 defendant for a high school diploma and to work toward a  
2 high school diploma or to work toward passing the high  
3 school level Test of General Educational Development (GED)  
4 or to work toward completing a vocational training program  
5 approved by the court. The person on probation or  
6 conditional discharge must attend a public institution of  
7 education to obtain the educational or vocational training  
8 required by this clause (7). The court shall revoke the  
9 probation or conditional discharge of a person who wilfully  
10 fails to comply with this clause (7). The person on  
11 probation or conditional discharge shall be required to pay  
12 for the cost of the educational courses or GED test, if a  
13 fee is charged for those courses or test. The court shall  
14 resentence the offender whose probation or conditional  
15 discharge has been revoked as provided in Section 5-6-4.  
16 This clause (7) does not apply to a person who has a high  
17 school diploma or has successfully passed the GED test.  
18 This clause (7) does not apply to a person who is  
19 determined by the court to be developmentally disabled or  
20 otherwise mentally incapable of completing the educational  
21 or vocational program;

22 (8) if convicted of possession of a substance  
23 prohibited by the Cannabis Control Act, the Illinois  
24 Controlled Substances Act, or the Methamphetamine Control  
25 and Community Protection Act after a previous conviction or  
26 disposition of supervision for possession of a substance

1 prohibited by the Cannabis Control Act or Illinois  
2 Controlled Substances Act or after a sentence of probation  
3 under Section 10 of the Cannabis Control Act, Section 410  
4 of the Illinois Controlled Substances Act, or Section 70 of  
5 the Methamphetamine Control and Community Protection Act  
6 and upon a finding by the court that the person is  
7 addicted, undergo treatment at a substance abuse program  
8 approved by the court;

9 (8.5) if convicted of a felony sex offense as defined  
10 in the Sex Offender Management Board Act, the person shall  
11 undergo and successfully complete sex offender treatment  
12 by a treatment provider approved by the Board and conducted  
13 in conformance with the standards developed under the Sex  
14 Offender Management Board Act;

15 (8.6) if convicted of a sex offense as defined in the  
16 Sex Offender Management Board Act, refrain from residing at  
17 the same address or in the same condominium unit or  
18 apartment unit or in the same condominium complex or  
19 apartment complex with another person he or she knows or  
20 reasonably should know is a convicted sex offender or has  
21 been placed on supervision for a sex offense; the  
22 provisions of this paragraph do not apply to a person  
23 convicted of a sex offense who is placed in a Department of  
24 Corrections licensed transitional housing facility for sex  
25 offenders;

26 (8.7) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th  
2 General Assembly that would qualify the accused as a child  
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
4 Criminal Code of 1961, refrain from communicating with or  
5 contacting, by means of the Internet, a person who is not  
6 related to the accused and whom the accused reasonably  
7 believes to be under 18 years of age; for purposes of this  
8 paragraph (8.7), "Internet" has the meaning ascribed to it  
9 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
10 ~~Public Act 94-179~~; and a person is not related to the  
11 accused if the person is not: (i) the spouse, brother, or  
12 sister of the accused; (ii) a descendant of the accused;  
13 (iii) a first or second cousin of the accused; or (iv) a  
14 step-child or adopted child of the accused;

15 (8.8) if convicted for an offense under Section 11-6,  
16 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
17 Code of 1961, or any attempt to commit any of these  
18 offenses, committed on or after the effective date of this  
19 amendatory Act of the 95th General Assembly:

20 (i) not access or use a computer or any other  
21 device with Internet capability without the prior  
22 written approval of the offender's probation officer,  
23 except in connection with the offender's employment or  
24 search for employment with the prior approval of the  
25 offender's probation officer;

26 (ii) submit to periodic unannounced examinations

1           of the offender's computer or any other device with  
2           Internet capability by the offender's probation  
3           officer, a law enforcement officer, or assigned  
4           computer or information technology specialist,  
5           including the retrieval and copying of all data from  
6           the computer or device and any internal or external  
7           peripherals and removal of such information,  
8           equipment, or device to conduct a more thorough  
9           inspection;

10           (iii) submit to the installation on the offender's  
11           computer or device with Internet capability, at the  
12           offender's expense, of one or more hardware or software  
13           systems to monitor the Internet use; and

14           (iv) submit to any other appropriate restrictions  
15           concerning the offender's use of or access to a  
16           computer or any other device with Internet capability  
17           imposed by the offender's probation officer;

18           (9) if convicted of a felony, physically surrender at a  
19           time and place designated by the court, his or her Firearm  
20           Owner's Identification Card and any and all firearms in his  
21           or her possession; and

22           (10) if convicted of a sex offense as defined in  
23           subsection (a-5) of Section 3-1-2 of this Code, unless the  
24           offender is a parent or guardian of the person under 18  
25           years of age present in the home and no non-familial minors  
26           are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy  
2 or other items to children on Halloween, wearing a Santa  
3 Claus costume on or preceding Christmas, being employed as  
4 a department store Santa Claus, or wearing an Easter Bunny  
5 costume on or preceding Easter.

6 (b) The Court may in addition to other reasonable  
7 conditions relating to the nature of the offense or the  
8 rehabilitation of the defendant as determined for each  
9 defendant in the proper discretion of the Court require that  
10 the person:

11 (1) serve a term of periodic imprisonment under Article  
12 7 for a period not to exceed that specified in paragraph  
13 (d) of Section 5-7-1;

14 (2) pay a fine and costs;

15 (3) work or pursue a course of study or vocational  
16 training;

17 (4) undergo medical, psychological or psychiatric  
18 treatment; or treatment for drug addiction or alcoholism;

19 (5) attend or reside in a facility established for the  
20 instruction or residence of defendants on probation;

21 (6) support his dependents;

22 (7) and in addition, if a minor:

23 (i) reside with his parents or in a foster home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 (iv) contribute to his own support at home or in a

1 foster home;

2 (v) with the consent of the superintendent of the  
3 facility, attend an educational program at a facility  
4 other than the school in which the offense was  
5 committed if he or she is convicted of a crime of  
6 violence as defined in Section 2 of the Crime Victims  
7 Compensation Act committed in a school, on the real  
8 property comprising a school, or within 1,000 feet of  
9 the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6 of  
11 this Code;

12 (9) perform some reasonable public or community  
13 service;

14 (10) serve a term of home confinement. In addition to  
15 any other applicable condition of probation or conditional  
16 discharge, the conditions of home confinement shall be that  
17 the offender:

18 (i) remain within the interior premises of the  
19 place designated for his confinement during the hours  
20 designated by the court;

21 (ii) admit any person or agent designated by the  
22 court into the offender's place of confinement at any  
23 time for purposes of verifying the offender's  
24 compliance with the conditions of his confinement; and

25 (iii) if further deemed necessary by the court or  
26 the Probation or Court Services Department, be placed

1 on an approved electronic monitoring device, subject  
2 to Article 8A of Chapter V;

3 (iv) for persons convicted of any alcohol,  
4 cannabis or controlled substance violation who are  
5 placed on an approved monitoring device as a condition  
6 of probation or conditional discharge, the court shall  
7 impose a reasonable fee for each day of the use of the  
8 device, as established by the county board in  
9 subsection (g) of this Section, unless after  
10 determining the inability of the offender to pay the  
11 fee, the court assesses a lesser fee or no fee as the  
12 case may be. This fee shall be imposed in addition to  
13 the fees imposed under subsections (g) and (i) of this  
14 Section. The fee shall be collected by the clerk of the  
15 circuit court. The clerk of the circuit court shall pay  
16 all monies collected from this fee to the county  
17 treasurer for deposit in the substance abuse services  
18 fund under Section 5-1086.1 of the Counties Code; and

19 (v) for persons convicted of offenses other than  
20 those referenced in clause (iv) above and who are  
21 placed on an approved monitoring device as a condition  
22 of probation or conditional discharge, the court shall  
23 impose a reasonable fee for each day of the use of the  
24 device, as established by the county board in  
25 subsection (g) of this Section, unless after  
26 determining the inability of the defendant to pay the

1 fee, the court assesses a lesser fee or no fee as the  
2 case may be. This fee shall be imposed in addition to  
3 the fees imposed under subsections (g) and (i) of this  
4 Section. The fee shall be collected by the clerk of the  
5 circuit court. The clerk of the circuit court shall pay  
6 all monies collected from this fee to the county  
7 treasurer who shall use the monies collected to defray  
8 the costs of corrections. The county treasurer shall  
9 deposit the fee collected in the county working cash  
10 fund under Section 6-27001 or Section 6-29002 of the  
11 Counties Code, as the case may be.

12 (11) comply with the terms and conditions of an order  
13 of protection issued by the court pursuant to the Illinois  
14 Domestic Violence Act of 1986, as now or hereafter amended,  
15 or an order of protection issued by the court of another  
16 state, tribe, or United States territory. A copy of the  
17 order of protection shall be transmitted to the probation  
18 officer or agency having responsibility for the case;

19 (12) reimburse any "local anti-crime program" as  
20 defined in Section 7 of the Anti-Crime Advisory Council Act  
21 for any reasonable expenses incurred by the program on the  
22 offender's case, not to exceed the maximum amount of the  
23 fine authorized for the offense for which the defendant was  
24 sentenced;

25 (13) contribute a reasonable sum of money, not to  
26 exceed the maximum amount of the fine authorized for the

1 offense for which the defendant was sentenced, (i) to a  
2 "local anti-crime program", as defined in Section 7 of the  
3 Anti-Crime Advisory Council Act, or (ii) for offenses under  
4 the jurisdiction of the Department of Natural Resources, to  
5 the fund established by the Department of Natural Resources  
6 for the purchase of evidence for investigation purposes and  
7 to conduct investigations as outlined in Section 805-105 of  
8 the Department of Natural Resources (Conservation) Law;

9 (14) refrain from entering into a designated  
10 geographic area except upon such terms as the court finds  
11 appropriate. Such terms may include consideration of the  
12 purpose of the entry, the time of day, other persons  
13 accompanying the defendant, and advance approval by a  
14 probation officer, if the defendant has been placed on  
15 probation or advance approval by the court, if the  
16 defendant was placed on conditional discharge;

17 (15) refrain from having any contact, directly or  
18 indirectly, with certain specified persons or particular  
19 types of persons, including but not limited to members of  
20 street gangs and drug users or dealers;

21 (16) refrain from having in his or her body the  
22 presence of any illicit drug prohibited by the Cannabis  
23 Control Act, the Illinois Controlled Substances Act, or the  
24 Methamphetamine Control and Community Protection Act,  
25 unless prescribed by a physician, and submit samples of his  
26 or her blood or urine or both for tests to determine the

1 presence of any illicit drug; ~~and~~

2 (17) if convicted for an offense committed on or after  
3 the effective date of this amendatory Act of the 95th  
4 General Assembly that would qualify the accused as a child  
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
6 Criminal Code of 1961, refrain from communicating with or  
7 contacting, by means of the Internet, a person who is  
8 related to the accused and whom the accused reasonably  
9 believes to be under 18 years of age; for purposes of this  
10 paragraph (17), "Internet" has the meaning ascribed to it  
11 in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
12 ~~Public Act 94-179~~; and a person is related to the accused  
13 if the person is: (i) the spouse, brother, or sister of the  
14 accused; (ii) a descendant of the accused; (iii) a first or  
15 second cousin of the accused; or (iv) a step-child or  
16 adopted child of the accused; and -

17 (18) if convicted for an offense committed on or after  
18 the effective date of this amendatory Act of the 95th  
19 General Assembly that would qualify as a sex offense as  
20 defined in the Sex Offender Registration Act:

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the offender's probation officer,  
24 except in connection with the offender's employment or  
25 search for employment with the prior approval of the  
26 offender's probation officer;

1           (ii) submit to periodic unannounced examinations  
2           of the offender's computer or any other device with  
3           Internet capability by the offender's probation  
4           officer, a law enforcement officer, or assigned  
5           computer or information technology specialist,  
6           including the retrieval and copying of all data from  
7           the computer or device and any internal or external  
8           peripherals and removal of such information,  
9           equipment, or device to conduct a more thorough  
10           inspection;

11           (iii) submit to the installation on the offender's  
12           computer or device with Internet capability, at the  
13           subject's expense, of one or more hardware or software  
14           systems to monitor the Internet use; and

15           (iv) submit to any other appropriate restrictions  
16           concerning the offender's use of or access to a  
17           computer or any other device with Internet capability  
18           imposed by the offender's probation officer.

19           (c) The court may as a condition of probation or of  
20           conditional discharge require that a person under 18 years of  
21           age found guilty of any alcohol, cannabis or controlled  
22           substance violation, refrain from acquiring a driver's license  
23           during the period of probation or conditional discharge. If  
24           such person is in possession of a permit or license, the court  
25           may require that the minor refrain from driving or operating  
26           any motor vehicle during the period of probation or conditional

1 discharge, except as may be necessary in the course of the  
2 minor's lawful employment.

3 (d) An offender sentenced to probation or to conditional  
4 discharge shall be given a certificate setting forth the  
5 conditions thereof.

6 (e) Except where the offender has committed a fourth or  
7 subsequent violation of subsection (c) of Section 6-303 of the  
8 Illinois Vehicle Code, the court shall not require as a  
9 condition of the sentence of probation or conditional discharge  
10 that the offender be committed to a period of imprisonment in  
11 excess of 6 months. This 6 month limit shall not include  
12 periods of confinement given pursuant to a sentence of county  
13 impact incarceration under Section 5-8-1.2.

14 Persons committed to imprisonment as a condition of  
15 probation or conditional discharge shall not be committed to  
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic  
18 imprisonment under Article 7 or a sentence to a county impact  
19 incarceration program under Article 8 with a sentence of  
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional  
22 discharge and who during the term of either undergoes mandatory  
23 drug or alcohol testing, or both, or is assigned to be placed  
24 on an approved electronic monitoring device, shall be ordered  
25 to pay all costs incidental to such mandatory drug or alcohol  
26 testing, or both, and all costs incidental to such approved

1 electronic monitoring in accordance with the defendant's  
2 ability to pay those costs. The county board with the  
3 concurrence of the Chief Judge of the judicial circuit in which  
4 the county is located shall establish reasonable fees for the  
5 cost of maintenance, testing, and incidental expenses related  
6 to the mandatory drug or alcohol testing, or both, and all  
7 costs incidental to approved electronic monitoring, involved  
8 in a successful probation program for the county. The  
9 concurrence of the Chief Judge shall be in the form of an  
10 administrative order. The fees shall be collected by the clerk  
11 of the circuit court. The clerk of the circuit court shall pay  
12 all moneys collected from these fees to the county treasurer  
13 who shall use the moneys collected to defray the costs of drug  
14 testing, alcohol testing, and electronic monitoring. The  
15 county treasurer shall deposit the fees collected in the county  
16 working cash fund under Section 6-27001 or Section 6-29002 of  
17 the Counties Code, as the case may be.

18 (h) Jurisdiction over an offender may be transferred from  
19 the sentencing court to the court of another circuit with the  
20 concurrence of both courts. Further transfers or retransfers of  
21 jurisdiction are also authorized in the same manner. The court  
22 to which jurisdiction has been transferred shall have the same  
23 powers as the sentencing court.

24 (i) The court shall impose upon an offender sentenced to  
25 probation after January 1, 1989 or to conditional discharge  
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after  
2 January 1, 2004, as a condition of such probation or  
3 conditional discharge or supervised community service, a fee of  
4 \$50 for each month of probation or conditional discharge  
5 supervision or supervised community service ordered by the  
6 court, unless after determining the inability of the person  
7 sentenced to probation or conditional discharge or supervised  
8 community service to pay the fee, the court assesses a lesser  
9 fee. The court may not impose the fee on a minor who is made a  
10 ward of the State under the Juvenile Court Act of 1987 while  
11 the minor is in placement. The fee shall be imposed only upon  
12 an offender who is actively supervised by the probation and  
13 court services department. The fee shall be collected by the  
14 clerk of the circuit court. The clerk of the circuit court  
15 shall pay all monies collected from this fee to the county  
16 treasurer for deposit in the probation and court services fund  
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this  
19 subsection (i) in excess of \$25 per month unless: (1) the  
20 circuit court has adopted, by administrative order issued by  
21 the chief judge, a standard probation fee guide determining an  
22 offender's ability to pay, under guidelines developed by the  
23 Administrative Office of the Illinois Courts; and (2) the  
24 circuit court has authorized, by administrative order issued by  
25 the chief judge, the creation of a Crime Victim's Services  
26 Fund, to be administered by the Chief Judge or his or her

1 designee, for services to crime victims and their families. Of  
2 the amount collected as a probation fee, up to \$5 of that fee  
3 collected per month may be used to provide services to crime  
4 victims and their families.

5 This amendatory Act of the 93rd General Assembly deletes  
6 the \$10 increase in the fee under this subsection that was  
7 imposed by Public Act 93-616. This deletion is intended to  
8 control over any other Act of the 93rd General Assembly that  
9 retains or incorporates that fee increase.

10 (i-5) In addition to the fees imposed under subsection (i)  
11 of this Section, in the case of an offender convicted of a  
12 felony sex offense (as defined in the Sex Offender Management  
13 Board Act) or an offense that the court or probation department  
14 has determined to be sexually motivated (as defined in the Sex  
15 Offender Management Board Act), the court or the probation  
16 department shall assess additional fees to pay for all costs of  
17 treatment, assessment, evaluation for risk and treatment, and  
18 monitoring the offender, based on that offender's ability to  
19 pay those costs either as they occur or under a payment plan.

20 (j) All fines and costs imposed under this Section for any  
21 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
22 Code, or a similar provision of a local ordinance, and any  
23 violation of the Child Passenger Protection Act, or a similar  
24 provision of a local ordinance, shall be collected and  
25 disbursed by the circuit clerk as provided under Section 27.5  
26 of the Clerks of Courts Act.

1 (k) Any offender who is sentenced to probation or  
2 conditional discharge for a felony sex offense as defined in  
3 the Sex Offender Management Board Act or any offense that the  
4 court or probation department has determined to be sexually  
5 motivated as defined in the Sex Offender Management Board Act  
6 shall be required to refrain from any contact, directly or  
7 indirectly, with any persons specified by the court and shall  
8 be available for all evaluations and treatment programs  
9 required by the court or the probation department.

10 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
11 94-556, eff. 9-11-05; 95-331, eff. 8-21-07; 95-464, eff.  
12 6-1-08; 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
13 12-26-07.)

14 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

15 (Text of Section after amendment by P.A. 95-464 and 95-696)  
16 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

17 (a) When a defendant is placed on supervision, the court  
18 shall enter an order for supervision specifying the period of  
19 such supervision, and shall defer further proceedings in the  
20 case until the conclusion of the period.

21 (b) The period of supervision shall be reasonable under all  
22 of the circumstances of the case, but may not be longer than 2  
23 years, unless the defendant has failed to pay the assessment  
24 required by Section 10.3 of the Cannabis Control Act, Section  
25 411.2 of the Illinois Controlled Substances Act, or Section 80

1 of the Methamphetamine Control and Community Protection Act, in  
2 which case the court may extend supervision beyond 2 years.  
3 Additionally, the court shall order the defendant to perform no  
4 less than 30 hours of community service and not more than 120  
5 hours of community service, if community service is available  
6 in the jurisdiction and is funded and approved by the county  
7 board where the offense was committed, when the offense (1) was  
8 related to or in furtherance of the criminal activities of an  
9 organized gang or was motivated by the defendant's membership  
10 in or allegiance to an organized gang; or (2) is a violation of  
11 any Section of Article 24 of the Criminal Code of 1961 where a  
12 disposition of supervision is not prohibited by Section 5-6-1  
13 of this Code. The community service shall include, but not be  
14 limited to, the cleanup and repair of any damage caused by  
15 violation of Section 21-1.3 of the Criminal Code of 1961 and  
16 similar damages to property located within the municipality or  
17 county in which the violation occurred. Where possible and  
18 reasonable, the community service should be performed in the  
19 offender's neighborhood.

20 For the purposes of this Section, "organized gang" has the  
21 meaning ascribed to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (c) The court may in addition to other reasonable  
24 conditions relating to the nature of the offense or the  
25 rehabilitation of the defendant as determined for each  
26 defendant in the proper discretion of the court require that

1 the person:

2 (1) make a report to and appear in person before or  
3 participate with the court or such courts, person, or  
4 social service agency as directed by the court in the order  
5 of supervision;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the  
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) refrain from possessing a firearm or other  
15 dangerous weapon;

16 (8) and in addition, if a minor:

17 (i) reside with his parents or in a foster home;

18 (ii) attend school;

19 (iii) attend a non-residential program for youth;

20 (iv) contribute to his own support at home or in a  
21 foster home; or

22 (v) with the consent of the superintendent of the  
23 facility, attend an educational program at a facility  
24 other than the school in which the offense was  
25 committed if he or she is placed on supervision for a  
26 crime of violence as defined in Section 2 of the Crime

1           Victims Compensation Act committed in a school, on the  
2           real property comprising a school, or within 1,000 feet  
3           of the real property comprising a school;

4           (9) make restitution or reparation in an amount not to  
5           exceed actual loss or damage to property and pecuniary loss  
6           or make restitution under Section 5-5-6 to a domestic  
7           violence shelter. The court shall determine the amount and  
8           conditions of payment;

9           (10) perform some reasonable public or community  
10          service;

11          (11) comply with the terms and conditions of an order  
12          of protection issued by the court pursuant to the Illinois  
13          Domestic Violence Act of 1986 or an order of protection  
14          issued by the court of another state, tribe, or United  
15          States territory. If the court has ordered the defendant to  
16          make a report and appear in person under paragraph (1) of  
17          this subsection, a copy of the order of protection shall be  
18          transmitted to the person or agency so designated by the  
19          court;

20          (12) reimburse any "local anti-crime program" as  
21          defined in Section 7 of the Anti-Crime Advisory Council Act  
22          for any reasonable expenses incurred by the program on the  
23          offender's case, not to exceed the maximum amount of the  
24          fine authorized for the offense for which the defendant was  
25          sentenced;

26          (13) contribute a reasonable sum of money, not to

1 exceed the maximum amount of the fine authorized for the  
2 offense for which the defendant was sentenced, (i) to a  
3 "local anti-crime program", as defined in Section 7 of the  
4 Anti-Crime Advisory Council Act, or (ii) for offenses under  
5 the jurisdiction of the Department of Natural Resources, to  
6 the fund established by the Department of Natural Resources  
7 for the purchase of evidence for investigation purposes and  
8 to conduct investigations as outlined in Section 805-105 of  
9 the Department of Natural Resources (Conservation) Law;

10 (14) refrain from entering into a designated  
11 geographic area except upon such terms as the court finds  
12 appropriate. Such terms may include consideration of the  
13 purpose of the entry, the time of day, other persons  
14 accompanying the defendant, and advance approval by a  
15 probation officer;

16 (15) refrain from having any contact, directly or  
17 indirectly, with certain specified persons or particular  
18 types of person, including but not limited to members of  
19 street gangs and drug users or dealers;

20 (16) refrain from having in his or her body the  
21 presence of any illicit drug prohibited by the Cannabis  
22 Control Act, the Illinois Controlled Substances Act, or the  
23 Methamphetamine Control and Community Protection Act,  
24 unless prescribed by a physician, and submit samples of his  
25 or her blood or urine or both for tests to determine the  
26 presence of any illicit drug;

1           (17) refrain from operating any motor vehicle not  
2 equipped with an ignition interlock device as defined in  
3 Section 1-129.1 of the Illinois Vehicle Code; under. ~~Under~~  
4 this condition the court may allow a defendant who is not  
5 self-employed to operate a vehicle owned by the defendant's  
6 employer that is not equipped with an ignition interlock  
7 device in the course and scope of the defendant's  
8 employment; and

9           (18) if placed on supervision for a sex offense as  
10 defined in subsection (a-5) of Section 3-1-2 of this Code,  
11 unless the offender is a parent or guardian of the person  
12 under 18 years of age present in the home and no  
13 non-familial minors are present, not participate in a  
14 holiday event involving children under 18 years of age,  
15 such as distributing candy or other items to children on  
16 Halloween, wearing a Santa Claus costume on or preceding  
17 Christmas, being employed as a department store Santa  
18 Claus, or wearing an Easter Bunny costume on or preceding  
19 Easter.

20           (d) The court shall defer entering any judgment on the  
21 charges until the conclusion of the supervision.

22           (e) At the conclusion of the period of supervision, if the  
23 court determines that the defendant has successfully complied  
24 with all of the conditions of supervision, the court shall  
25 discharge the defendant and enter a judgment dismissing the  
26 charges.

1           (f) Discharge and dismissal upon a successful conclusion of  
2 a disposition of supervision shall be deemed without  
3 adjudication of guilt and shall not be termed a conviction for  
4 purposes of disqualification or disabilities imposed by law  
5 upon conviction of a crime. Two years after the discharge and  
6 dismissal under this Section, unless the disposition of  
7 supervision was for a violation of Sections 3-707, 3-708,  
8 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
9 similar provision of a local ordinance, or for a violation of  
10 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
11 case it shall be 5 years after discharge and dismissal, a  
12 person may have his record of arrest sealed or expunged as may  
13 be provided by law. However, any defendant placed on  
14 supervision before January 1, 1980, may move for sealing or  
15 expungement of his arrest record, as provided by law, at any  
16 time after discharge and dismissal under this Section. A person  
17 placed on supervision for a sexual offense committed against a  
18 minor as defined in subsection (g) of Section 5 of the Criminal  
19 Identification Act or for a violation of Section 11-501 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance shall not have his or her record of arrest sealed or  
22 expunged.

23           (g) A defendant placed on supervision and who during the  
24 period of supervision undergoes mandatory drug or alcohol  
25 testing, or both, or is assigned to be placed on an approved  
26 electronic monitoring device, shall be ordered to pay the costs

1 incidental to such mandatory drug or alcohol testing, or both,  
2 and costs incidental to such approved electronic monitoring in  
3 accordance with the defendant's ability to pay those costs. The  
4 county board with the concurrence of the Chief Judge of the  
5 judicial circuit in which the county is located shall establish  
6 reasonable fees for the cost of maintenance, testing, and  
7 incidental expenses related to the mandatory drug or alcohol  
8 testing, or both, and all costs incidental to approved  
9 electronic monitoring, of all defendants placed on  
10 supervision. The concurrence of the Chief Judge shall be in the  
11 form of an administrative order. The fees shall be collected by  
12 the clerk of the circuit court. The clerk of the circuit court  
13 shall pay all moneys collected from these fees to the county  
14 treasurer who shall use the moneys collected to defray the  
15 costs of drug testing, alcohol testing, and electronic  
16 monitoring. The county treasurer shall deposit the fees  
17 collected in the county working cash fund under Section 6-27001  
18 or Section 6-29002 of the Counties Code, as the case may be.

19 (h) A disposition of supervision is a final order for the  
20 purposes of appeal.

21 (i) The court shall impose upon a defendant placed on  
22 supervision after January 1, 1992 or to community service under  
23 the supervision of a probation or court services department  
24 after January 1, 2004, as a condition of supervision or  
25 supervised community service, a fee of \$50 for each month of  
26 supervision or supervised community service ordered by the

1 court, unless after determining the inability of the person  
2 placed on supervision or supervised community service to pay  
3 the fee, the court assesses a lesser fee. The court may not  
4 impose the fee on a minor who is made a ward of the State under  
5 the Juvenile Court Act of 1987 while the minor is in placement.  
6 The fee shall be imposed only upon a defendant who is actively  
7 supervised by the probation and court services department. The  
8 fee shall be collected by the clerk of the circuit court. The  
9 clerk of the circuit court shall pay all monies collected from  
10 this fee to the county treasurer for deposit in the probation  
11 and court services fund pursuant to Section 15.1 of the  
12 Probation and Probation Officers Act.

13 A circuit court may not impose a probation fee in excess of  
14 \$25 per month unless: (1) the circuit court has adopted, by  
15 administrative order issued by the chief judge, a standard  
16 probation fee guide determining an offender's ability to pay,  
17 under guidelines developed by the Administrative Office of the  
18 Illinois Courts; and (2) the circuit court has authorized, by  
19 administrative order issued by the chief judge, the creation of  
20 a Crime Victim's Services Fund, to be administered by the Chief  
21 Judge or his or her designee, for services to crime victims and  
22 their families. Of the amount collected as a probation fee, not  
23 to exceed \$5 of that fee collected per month may be used to  
24 provide services to crime victims and their families.

25 (j) All fines and costs imposed under this Section for any  
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any  
2 violation of the Child Passenger Protection Act, or a similar  
3 provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (k) A defendant at least 17 years of age who is placed on  
7 supervision for a misdemeanor in a county of 3,000,000 or more  
8 inhabitants and who has not been previously convicted of a  
9 misdemeanor or felony may as a condition of his or her  
10 supervision be required by the court to attend educational  
11 courses designed to prepare the defendant for a high school  
12 diploma and to work toward a high school diploma or to work  
13 toward passing the high school level Test of General  
14 Educational Development (GED) or to work toward completing a  
15 vocational training program approved by the court. The  
16 defendant placed on supervision must attend a public  
17 institution of education to obtain the educational or  
18 vocational training required by this subsection (k). The  
19 defendant placed on supervision shall be required to pay for  
20 the cost of the educational courses or GED test, if a fee is  
21 charged for those courses or test. The court shall revoke the  
22 supervision of a person who wilfully fails to comply with this  
23 subsection (k). The court shall resentence the defendant upon  
24 revocation of supervision as provided in Section 5-6-4. This  
25 subsection (k) does not apply to a defendant who has a high  
26 school diploma or has successfully passed the GED test. This

1 subsection (k) does not apply to a defendant who is determined  
2 by the court to be developmentally disabled or otherwise  
3 mentally incapable of completing the educational or vocational  
4 program.

5 (l) The court shall require a defendant placed on  
6 supervision for possession of a substance prohibited by the  
7 Cannabis Control Act, the Illinois Controlled Substances Act,  
8 or the Methamphetamine Control and Community Protection Act  
9 after a previous conviction or disposition of supervision for  
10 possession of a substance prohibited by the Cannabis Control  
11 Act, the Illinois Controlled Substances Act, or the  
12 Methamphetamine Control and Community Protection Act or a  
13 sentence of probation under Section 10 of the Cannabis Control  
14 Act or Section 410 of the Illinois Controlled Substances Act  
15 and after a finding by the court that the person is addicted,  
16 to undergo treatment at a substance abuse program approved by  
17 the court.

18 (m) The Secretary of State shall require anyone placed on  
19 court supervision for a violation of Section 3-707 of the  
20 Illinois Vehicle Code or a similar provision of a local  
21 ordinance to give proof of his or her financial responsibility  
22 as defined in Section 7-315 of the Illinois Vehicle Code. The  
23 proof shall be maintained by the individual in a manner  
24 satisfactory to the Secretary of State for a minimum period of  
25 3 years after the date the proof is first filed. The proof  
26 shall be limited to a single action per arrest and may not be

1 affected by any post-sentence disposition. The Secretary of  
2 State shall suspend the driver's license of any person  
3 determined by the Secretary to be in violation of this  
4 subsection.

5 (n) Any offender placed on supervision for any offense that  
6 the court or probation department has determined to be sexually  
7 motivated as defined in the Sex Offender Management Board Act  
8 shall be required to refrain from any contact, directly or  
9 indirectly, with any persons specified by the court and shall  
10 be available for all evaluations and treatment programs  
11 required by the court or the probation department.

12 (o) An offender placed on supervision for a sex offense as  
13 defined in the Sex Offender Management Board Act shall refrain  
14 from residing at the same address or in the same condominium  
15 unit or apartment unit or in the same condominium complex or  
16 apartment complex with another person he or she knows or  
17 reasonably should know is a convicted sex offender or has been  
18 placed on supervision for a sex offense. The provisions of this  
19 subsection (o) do not apply to a person convicted of a sex  
20 offense who is placed in a Department of Corrections licensed  
21 transitional housing facility for sex offenders.

22 (p) An offender placed on supervision for an offense  
23 committed on or after June 1, 2008 (the effective date of  
24 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
25 ~~Assembly~~ that would qualify the accused as a child sex offender  
26 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of

1 1961 shall refrain from communicating with or contacting, by  
2 means of the Internet, a person who is not related to the  
3 accused and whom the accused reasonably believes to be under 18  
4 years of age. For purposes of this subsection (p), "Internet"  
5 has the meaning ascribed to it in Section 16J-5 of the Criminal  
6 Code of 1961, ~~as added by Public Act 94-179~~; and a person is  
7 not related to the accused if the person is not: (i) the  
8 spouse, brother, or sister of the accused; (ii) a descendant of  
9 the accused; (iii) a first or second cousin of the accused; or  
10 (iv) a step-child or adopted child of the accused.

11 (q) An offender placed on supervision for an offense  
12 committed on or after June 1, 2008 (the effective date of  
13 Public Act 95-464) ~~this amendatory Act of the 95th General~~  
14 ~~Assembly~~ that would qualify the accused as a child sex offender  
15 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
16 1961 shall, if so ordered by the court, refrain from  
17 communicating with or contacting, by means of the Internet, a  
18 person who is related to the accused and whom the accused  
19 reasonably believes to be under 18 years of age. For purposes  
20 of this subsection (q), "Internet" has the meaning ascribed to  
21 it in Section 16J-5 of the Criminal Code of 1961, ~~as added by~~  
22 ~~Public Act 94-179~~; and a person is related to the accused if  
23 the person is: (i) the spouse, brother, or sister of the  
24 accused; (ii) a descendant of the accused; (iii) a first or  
25 second cousin of the accused; or (iv) a step-child or adopted  
26 child of the accused.

1       (r) An offender placed on supervision for an offense under  
2 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
3 the Criminal Code of 1961, or any attempt to commit any of  
4 these offenses, committed on or after the effective date of  
5 this amendatory Act of the 95th General Assembly shall:

6           (i) not access or use a computer or any other device  
7 with Internet capability without the prior written  
8 approval of the court, except in connection with the  
9 offender's employment or search for employment with the  
10 prior approval of the court;

11           (ii) submit to periodic unannounced examinations of  
12 the offender's computer or any other device with Internet  
13 capability by the offender's probation officer, a law  
14 enforcement officer, or assigned computer or information  
15 technology specialist, including the retrieval and copying  
16 of all data from the computer or device and any internal or  
17 external peripherals and removal of such information,  
18 equipment, or device to conduct a more thorough inspection;

19           (iii) submit to the installation on the offender's  
20 computer or device with Internet capability, at the  
21 offender's expense, of one or more hardware or software  
22 systems to monitor the Internet use; and

23           (iv) submit to any other appropriate restrictions  
24 concerning the offender's use of or access to a computer or  
25 any other device with Internet capability imposed by the  
26 court.

1 (Source: P.A. 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;  
2 94-556, eff. 9-11-05; 95-211, eff. 1-1-08; 95-331, eff.  
3 8-21-07; 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; revised  
4 11-19-07.)

5 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

6 Sec. 5-8-1. Sentence of Imprisonment for Felony.

7 (a) Except as otherwise provided in the statute defining  
8 the offense, a sentence of imprisonment for a felony shall be a  
9 determinate sentence set by the court under this Section,  
10 according to the following limitations:

11 (1) for first degree murder,

12 (a) a term shall be not less than 20 years and not  
13 more than 60 years, or

14 (b) if a trier of fact finds beyond a reasonable  
15 doubt that the murder was accompanied by exceptionally  
16 brutal or heinous behavior indicative of wanton  
17 cruelty or, except as set forth in subsection (a)(1)(c)  
18 of this Section, that any of the aggravating factors  
19 listed in subsection (b) of Section 9-1 of the Criminal  
20 Code of 1961 are present, the court may sentence the  
21 defendant to a term of natural life imprisonment, or

22 (c) the court shall sentence the defendant to a  
23 term of natural life imprisonment when the death  
24 penalty is not imposed if the defendant,

25 (i) has previously been convicted of first

1 degree murder under any state or federal law, or

2 (ii) is a person who, at the time of the  
3 commission of the murder, had attained the age of  
4 17 or more and is found guilty of murdering an  
5 individual under 12 years of age; or, irrespective  
6 of the defendant's age at the time of the  
7 commission of the offense, is found guilty of  
8 murdering more than one victim, or

9 (iii) is found guilty of murdering a peace  
10 officer, fireman, or emergency management worker  
11 when the peace officer, fireman, or emergency  
12 management worker was killed in the course of  
13 performing his official duties, or to prevent the  
14 peace officer or fireman from performing his  
15 official duties, or in retaliation for the peace  
16 officer, fireman, or emergency management worker  
17 from performing his official duties, and the  
18 defendant knew or should have known that the  
19 murdered individual was a peace officer, fireman,  
20 or emergency management worker, or

21 (iv) is found guilty of murdering an employee  
22 of an institution or facility of the Department of  
23 Corrections, or any similar local correctional  
24 agency, when the employee was killed in the course  
25 of performing his official duties, or to prevent  
26 the employee from performing his official duties,

1 or in retaliation for the employee performing his  
2 official duties, or

3 (v) is found guilty of murdering an emergency  
4 medical technician - ambulance, emergency medical  
5 technician - intermediate, emergency medical  
6 technician - paramedic, ambulance driver or other  
7 medical assistance or first aid person while  
8 employed by a municipality or other governmental  
9 unit when the person was killed in the course of  
10 performing official duties or to prevent the  
11 person from performing official duties or in  
12 retaliation for performing official duties and the  
13 defendant knew or should have known that the  
14 murdered individual was an emergency medical  
15 technician - ambulance, emergency medical  
16 technician - intermediate, emergency medical  
17 technician - paramedic, ambulance driver, or other  
18 medical assistant or first aid personnel, or

19 (vi) is a person who, at the time of the  
20 commission of the murder, had not attained the age  
21 of 17, and is found guilty of murdering a person  
22 under 12 years of age and the murder is committed  
23 during the course of aggravated criminal sexual  
24 assault, criminal sexual assault, or aggravated  
25 kidnaping, or

26 (vii) is found guilty of first degree murder

1           and the murder was committed by reason of any  
2           person's activity as a community policing  
3           volunteer or to prevent any person from engaging in  
4           activity as a community policing volunteer. For  
5           the purpose of this Section, "community policing  
6           volunteer" has the meaning ascribed to it in  
7           Section 2-3.5 of the Criminal Code of 1961.

8           For purposes of clause (v), "emergency medical  
9           technician - ambulance", "emergency medical technician  
10          - intermediate", "emergency medical technician -  
11          paramedic", have the meanings ascribed to them in the  
12          Emergency Medical Services (EMS) Systems Act.

13           (d) (i) if the person committed the offense while  
14           armed with a firearm, 15 years shall be added to  
15           the term of imprisonment imposed by the court;

16           (ii) if, during the commission of the offense,  
17           the person personally discharged a firearm, 20  
18           years shall be added to the term of imprisonment  
19           imposed by the court;

20           (iii) if, during the commission of the  
21           offense, the person personally discharged a  
22           firearm that proximately caused great bodily harm,  
23           permanent disability, permanent disfigurement, or  
24           death to another person, 25 years or up to a term  
25           of natural life shall be added to the term of  
26           imprisonment imposed by the court.

1           (1.5) for second degree murder, a term shall be not  
2           less than 4 years and not more than 20 years;

3           (2) for a person adjudged a habitual criminal under  
4           Article 33B of the Criminal Code of 1961, as amended, the  
5           sentence shall be a term of natural life imprisonment;

6           (2.5) for a person convicted under the circumstances  
7           described in paragraph (3) of subsection (b) of Section  
8           12-13, paragraph (2) of subsection (d) of Section 12-14,  
9           paragraph (1.2) of subsection (b) of Section 12-14.1, or  
10          paragraph (2) of subsection (b) of Section 12-14.1 of the  
11          Criminal Code of 1961, the sentence shall be a term of  
12          natural life imprisonment;

13          (3) except as otherwise provided in the statute  
14          defining the offense, for a Class X felony, the sentence  
15          shall be not less than 6 years and not more than 30 years;

16          (4) for a Class 1 felony, other than second degree  
17          murder, the sentence shall be not less than 4 years and not  
18          more than 15 years;

19          (5) for a Class 2 felony, the sentence shall be not  
20          less than 3 years and not more than 7 years;

21          (6) for a Class 3 felony, the sentence shall be not  
22          less than 2 years and not more than 5 years;

23          (7) for a Class 4 felony, the sentence shall be not  
24          less than 1 year and not more than 3 years.

25          (b) The sentencing judge in each felony conviction shall  
26          set forth his reasons for imposing the particular sentence he

1 enters in the case, as provided in Section 5-4-1 of this Code.  
2 Those reasons may include any mitigating or aggravating factors  
3 specified in this Code, or the lack of any such circumstances,  
4 as well as any other such factors as the judge shall set forth  
5 on the record that are consistent with the purposes and  
6 principles of sentencing set out in this Code.

7 (c) A motion to reduce a sentence may be made, or the court  
8 may reduce a sentence without motion, within 30 days after the  
9 sentence is imposed. A defendant's challenge to the correctness  
10 of a sentence or to any aspect of the sentencing hearing shall  
11 be made by a written motion filed within 30 days following the  
12 imposition of sentence. However, the court may not increase a  
13 sentence once it is imposed.

14 If a motion filed pursuant to this subsection is timely  
15 filed within 30 days after the sentence is imposed, the  
16 proponent of the motion shall exercise due diligence in seeking  
17 a determination on the motion and the court shall thereafter  
18 decide such motion within a reasonable time.

19 If a motion filed pursuant to this subsection is timely  
20 filed within 30 days after the sentence is imposed, then for  
21 purposes of perfecting an appeal, a final judgment shall not be  
22 considered to have been entered until the motion to reduce a  
23 sentence has been decided by order entered by the trial court.

24 A motion filed pursuant to this subsection shall not be  
25 considered to have been timely filed unless it is filed with  
26 the circuit court clerk within 30 days after the sentence is

1 imposed together with a notice of motion, which notice of  
2 motion shall set the motion on the court's calendar on a date  
3 certain within a reasonable time after the date of filing.

4 (d) Except where a term of natural life is imposed, every  
5 sentence shall include as though written therein a term in  
6 addition to the term of imprisonment. For those sentenced under  
7 the law in effect prior to February 1, 1978, such term shall be  
8 identified as a parole term. For those sentenced on or after  
9 February 1, 1978, such term shall be identified as a mandatory  
10 supervised release term. Subject to earlier termination under  
11 Section 3-3-8, the parole or mandatory supervised release term  
12 shall be as follows:

13 (1) for first degree murder or a Class X felony except  
14 for the offenses of predatory criminal sexual assault of a  
15 child, aggravated criminal sexual assault, and criminal  
16 sexual assault if committed on or after the effective date  
17 of this amendatory Act of the 94th General Assembly and  
18 except for the offense of aggravated child pornography  
19 under Section 11-20.3 of the Criminal Code of 1961, if  
20 committed on or after January 1, 2009, 3 years;

21 (2) for a Class 1 felony or a Class 2 felony except for  
22 the offense of criminal sexual assault if committed on or  
23 after the effective date of this amendatory Act of the 94th  
24 General Assembly and except for the offenses of manufacture  
25 and dissemination of child pornography under clauses  
26 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code

1 of 1961, if committed on or after January 1, 2009, 2 years;

2 (3) for a Class 3 felony or a Class 4 felony, 1 year;

3 (4) for defendants who commit the offense of predatory  
4 criminal sexual assault of a child, aggravated criminal  
5 sexual assault, or criminal sexual assault, on or after the  
6 effective date of this amendatory Act of the 94th General  
7 Assembly, or who commit the offense of aggravated child  
8 pornography, manufacture of child pornography, or  
9 dissemination of child pornography after January 1, 2009,

10 the term of mandatory supervised release shall range from a  
11 minimum of 3 years to a maximum of the natural life of the  
12 defendant;

13 (5) if the victim is under 18 years of age, for a  
14 second or subsequent offense of aggravated criminal sexual  
15 abuse or felony criminal sexual abuse, 4 years, at least  
16 the first 2 years of which the defendant shall serve in an  
17 electronic home detention program under Article 8A of  
18 Chapter V of this Code.

19 (e) A defendant who has a previous and unexpired sentence  
20 of imprisonment imposed by another state or by any district  
21 court of the United States and who, after sentence for a crime  
22 in Illinois, must return to serve the unexpired prior sentence  
23 may have his sentence by the Illinois court ordered to be  
24 concurrent with the prior sentence in the other state. The  
25 court may order that any time served on the unexpired portion  
26 of the sentence in the other state, prior to his return to

1 Illinois, shall be credited on his Illinois sentence. The other  
2 state shall be furnished with a copy of the order imposing  
3 sentence which shall provide that, when the offender is  
4 released from confinement of the other state, whether by parole  
5 or by termination of sentence, the offender shall be  
6 transferred by the Sheriff of the committing county to the  
7 Illinois Department of Corrections. The court shall cause the  
8 Department of Corrections to be notified of such sentence at  
9 the time of commitment and to be provided with copies of all  
10 records regarding the sentence.

11 (f) A defendant who has a previous and unexpired sentence  
12 of imprisonment imposed by an Illinois circuit court for a  
13 crime in this State and who is subsequently sentenced to a term  
14 of imprisonment by another state or by any district court of  
15 the United States and who has served a term of imprisonment  
16 imposed by the other state or district court of the United  
17 States, and must return to serve the unexpired prior sentence  
18 imposed by the Illinois Circuit Court may apply to the court  
19 which imposed sentence to have his sentence reduced.

20 The circuit court may order that any time served on the  
21 sentence imposed by the other state or district court of the  
22 United States be credited on his Illinois sentence. Such  
23 application for reduction of a sentence under this subsection  
24 (f) shall be made within 30 days after the defendant has  
25 completed the sentence imposed by the other state or district  
26 court of the United States.

1 (Source: P.A. 94-165, eff. 7-11-05; 94-243, eff. 1-1-06;  
2 94-715, eff. 12-13-05.)

3 Section 999. Effective date. Sections 1, 5, 10, 15, 20, and  
4 this Section take effect upon becoming law.